

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4224 OF 2005**

Gurappa Sangannar Umadi & Anr.

...Applicants

vs.

The State of Maharashtra

...Respondent

Mr.V.V.Purwant for the Applicants

Ms S.D.Shinde,A.P.P. for State

CORAM: A.S.OKA,J.

DATE : JULY 12,2005.

P.C.:

1. At the outset the Advocate appearing for the Applicant stated that he will not press the application in so far Applicant No.1 is concerned with liberty to file a fresh application before the Sessions Court on the ground that charge sheet has been filed on 4th July 2005.

2. He submitted that the Applicant No.2 being a lady deserves to be enlarged on bail. He pointed out that in the unfortunate incident the infant daughter of the complainant died as a result of blow of stick allegedly given by the Applicant No.1 on the head of the infant. He pointed out that in so far as assault on the infant is concerned, even the complainant has not ascribed any role to the Applicant No.2 and therefore the Applicant No.2 is entitled to be enlarged on bail. The learned A.P.P. opposed the application by pointing out that the Applicant No.2 has participated in the assault on the complainant.

3. I have considered the submissions. The statement of the complainant discloses that the Applicants along with two others abused her and started assaulting her. The allegation against the Applicant No.1 is that he gave blow of stick on the head of the infant. It is not the case made out by the complainant that as a result of assault on her person, she sustained serious injuries. In fact, it is not specifically stated by the complainant that any assault is made by the Applicant No.2. According to the complainant the Applicant No.1 and one other person were carrying sticks in their hands. Considering these allegations made by the complainant against the Applicant No.2, a case is made out for enlarging the Applicant No.2 who is a woman on bail especially when she is in custody from 13th May 2005.

4. Hence, I pass the following order :

i) Application is dismissed as not pressed as far as Applicant No.1 is concerned with liberty to file a fresh application to the Sessions Court on the ground that charge sheet has been filed.

ii) The Applicant No.2 shall be enlarged on bail in connection with C.R.No.36 of 2005 registered with Akkalkot South Police Station, subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two local sureties in the like

amount.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) The parties to act upon an authenticated copy of this order.

JUDGE